

AMENDED IN ASSEMBLY APRIL 11, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2085

Introduced by Assembly Member Irwin

February 17, 2016

An act to amend Section 51 of, and to add and repeal Section 59.5 of, of the Military and Veterans Code, relating to military and veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 2085, as amended, Irwin. Military and veterans: legal aid.

Existing law establishes the California Military Department, which includes the Office of the Adjutant General, the California National Guard, the State Military Reserve, the California Cadet Corps, and the Naval Militia.

This bill would, upon appropriation by the Legislature, create the Office of Military Legal Assistance within the Military Department. The bill would require the office to assist current servicemembers in the state who require legal assistance by providing access to educational and informational resources and by providing referral services to available legal assistance programs, including reduced fee services, pro bono services, and self-help services. The bill would, subject to the provisions described above, authorize the office to provide assistance in legal areas including, but not limited to, the federal Servicemembers Civil Relief Act, the federal Uniformed Services Employment and Reemployment Rights Act, consumer protection, and landlord-tenant issues. This bill would make these provisions inoperative on July 1, 2022, and would repeal them as of January 1, 2023.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares both of the
2 following:

3 (a) Attorneys in California are needed to assist active duty
4 servicemembers and reservists with legal matters. Military
5 personnel are often presented with legal challenges due to the
6 requirements of their service, such as frequent relocation,
7 interrupted employment, financial need, and strain on family life,
8 among others.

9 (b) While some legal services are provided to servicemembers
10 through their respective service's Judge Advocates General (JAG),
11 there is a gap in service for a variety of legal issues, particularly
12 in civil law, because JAGs are prohibited from representing
13 servicemembers in civilian court in almost all cases. The primary
14 legal areas with which servicemembers require assistance include
15 the Uniformed Services Employment and Reemployment Rights
16 Act, the Servicemembers Civil Relief Act, family law, consumer
17 fraud, property and landlord issues, naturalization and immigration,
18 creditor and debtor issues, and predatory lending.

19 ~~SEC. 2. Section 51 of the Military and Veterans Code is~~
20 ~~amended to read:~~

21 ~~51. The Military Department includes the office of the Adjutant~~
22 ~~General, the California National Guard, the State Military Reserve,~~
23 ~~the California Cadet Corps, the Naval Militia, and the Office of~~
24 ~~Military Legal Assistance.~~

25 ~~SEC. 3.~~

26 SEC. 2. Section 59.5 is added to the Military and Veterans
27 Code, to read:

28 59.5. (a) The Office of Military Legal Assistance is hereby
29 created in the Military Department. The office shall assist current
30 servicemembers in the state who require legal assistance by
31 providing access to educational and informational resources and
32 by providing referral services to available legal assistance
33 programs, including reduced fee services, pro bono services, and
34 self-help services.

1 (b) Subject to subdivision (a), the office may provide assistance
2 in legal areas, including, but not limited to, the federal
3 Servicemembers Civil Relief Act, the federal Uniformed Services
4 Employment and Reemployment Rights Act, consumer protection,
5 and landlord-tenant issues.

6 (c) This section shall become effective only upon appropriation
7 of funds by the Legislature for the purposes described in this
8 section.

9 (d) This section shall become inoperative on July 1, 2022, and,
10 as of January 1, 2023, is repealed, unless a later enacted statute,
11 that becomes operative on or before January 1, 2023, deletes or
12 extends the dates on which it becomes inoperative and is repealed.

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